



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-018

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. Consistent with s. 1.02 (1) (a), Manual, the introductory clause of the rule-making order should be rewritten as follows: “The State of Wisconsin Public Defender Board proposes an order to amend PD 6.025 (1) and (2), relating to determination of ability to pay.”

b. The following comments pertain to the rule summary, the requirements for which are set forth in s. 1.02 (2) (a), Manual:

(1) Throughout the rule summary “, Stats.” should be inserted after each statutory citation and all occurrences of “Wis. Stats.” should be deleted.

(2) In the explanation of agency authority, “Wisconsin Works” should replace “W2” in the second sentence, for consistency with the parenthetical use of the full name of the program in the first sentence.

(3) In the plain language analysis, “Wisconsin” should be inserted before “Act”. Also, the analysis should explain the ramifications of Act 32 having frozen income eligibility for public defender representation. In general, the analysis is to contain sufficient detail to enable the reader to understand the content of the rule and the changes made, if any, in existing rules. [s. 1.02 (2) (b), Manual.]

(4) The headings beginning with “Summary of Factual Data and Analytical Methodologies” should be in bold type, as are the preceding headings.

(5) The entry for the agency contact person should also include that person’s telephone number. [s. 1.02 (2) (a) 12., Manual.]

(6) The final entry, “Place to Submit Comments”, should also include the deadline for submission of comments. The title should be amended to add “**and Deadline for Submission**” and the text should set forth the deadline. [s. 1.02 (2) (a) 13., Manual.]

c. The text of the rule should not be photocopied from the Administrative Code, but rather should be formatted in ordinary, full-page style. The rule text should be placed in a numbered SECTION with a treatment clause, to read as follows: “SECTION 1. PD 6.025 (1) and (2) are amended to read:”. Also, the rule text should include only the two subsections being amended; the unaffected subsections should not be shown.

d. The last provision of the rule text should be a numbered SECTION that sets forth the effective date of the rule, to read as follows: “SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.”. [s. 1.02 (4), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the summary of federal regulations in the plain language analysis, the citation to “Guide” should be completed with its full title and source. Is it meant to refer to the United States Courts’ Guide to Judiciary Policy, Volume 7, Part A? Also, “and” should replace the comma between “(a)” and “(b)” in the citation.

b. In both s. PD 6.025 (1) and (2), “federal poverty line, as defined” should replace “amount specified”. The federal citation given provides the definition and calculation of the federal poverty line, but does not specify an amount.